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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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O.A/T.A No. 232/2007  
R.A/C.P No.  
E.P/M.A No.

1. Orders Sheet.....OA.....Pg.....1.....to.....1.....
2. Judgment/Order dtd. 30.8.2007.....Pg.....1.....to.....3 A.D......
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....232/2007.....Pg.....1.....to.....2,3.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

faht  
09/10/07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:  
ORDERS SHEET

1. Original Application No. 232/07
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) C. Basfore -VS- Union of India & Ors

Advocate for the Applicants:- A.C. Sarma, S. Saikia, P. Medhi  
U. Sarma, S. Talukder

Advocate for the Respondants:- Railway advocate

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 50/- deposited with IPO/BD No. <u>226041102</u> Dated <u>28.8.07</u></p> <p><u>[Signature]</u> Registrar</p> <p><u>[Signature]</u></p> <p>Petition's copies in issue notices are not received but application submitted in same within days.</p> <p><u>[Signature]</u> <u>W/O.</u></p>	<p>30.8.07.</p> <p>1m</p>	<p>Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.</p> <p><u>[Signature]</u> Vice-Chairman</p>

**CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.**

**(O.A. No 232 of 2007)**

**DATE OF DECISION 30.8.2007.**

**Mr.C.Basfore**

**APPLICANT/S**

**Mr.A.C.Sarma , Mr.S.Saikia,  
Mr.P.Medhi.Mr.U.Sarma,  
Mr.S.Talukdar**

**ADVOCATEFOR THE**

**APPLICANT(S)**

**- VERSUS-**

**Union of India & Ors.**

**RESPONDENT(S)**

**Dr.J.L.Sarkar,Railway Counsel.**

**ADVOCATE FOR THE  
RESPONDENT(S)**

**CORAM**

**HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN**

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches?
4. Whether their Lordships wish to see the fair copy of the Judgment?

**Judgment delivered by Hon'ble Vice-Chairman**

31/8/07

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

**Original Application .No.232 of 2007.**

**Date of Order: This the 30<sup>th</sup> Day of August, 2007.**

**HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN**

**Smt. Chankala Basfore  
W/O Late Pannalal Basfore  
Resident of Quarter No.706/N  
Type-I at New Guwahati Colony.**

**Applicant.**

**By Advocate Mr. A.C.Sarma Mr.S.Saikia,  
Mr.P.Medhi,  
Mr.U.Sarma, Mr.S.Talukdar**

**- Versus-**

- 1. The Union of India,  
Represented by the Secretary,  
Railway Board, Ministry of Railway,  
New Delhi-110001.**
- 2. The General Manager  
N.F.Railway, Maligaon  
Guwahati-11, Dist.Kamrup, Assam**
- 3. The Chief Area Manager (CAM),  
N.F.Railway, Maligaon,  
Guwahati-11. Dist.Kamrup, Assam**
- 4. The Divisional Personal Officer  
(DPO), N.F.Railway, Maligaon.  
Guwahati-11, Dist..Kamrup, Assam**
- 5. The Senior Coaching Depot Officer  
N.F.Railway, Maligaon  
Guwahati-11, Dist.Kamrup, Assam**

**Respondents.**

**By Advocate Dr.J.L.Sarkar, Railway Standing Counsel.**

**ORDER (ORAL)**


**K.V.SACHIDANANDAN, V.C:**

**The applicant is working as a Sr. Technician in the N.F.Railway,  
New Guwahati, and residing at Quarter No.706/N Type -I with his  
family. Since allotment of the quarters. The Respondent No, 5 vide his  
order dated 2.9.05 cancelled the order of allotment of the applicant's**

quarter alleging that a survey Committee appointed by the administration found that the applicant had sub-let his quarters to some third party. He also submitted that he was not aware of any survey of his quarter and he prayed for review of the cancellation order. The Respondents authority did not pass any order disposing applicant representation but passed an order on 6.9.05 imposing damage rent to the tune of Rs. 1,07,135/- on the applicant without issuing any prior notice to the applicant nor giving any opportunity of hearing to the applicant. The applicant has drawn salary after recovery of the alleged damage rent in th months of August Rs. 2213/- per month. Aggrieved by the certain action the applicant has filed this O.A.

2. I have heard Mr .A. C. Sarma learned counsel for the applicant and Dr.J.L.Sarkar learned counsel for the Railway. When the matter came up for hearing the learned counsel for the applicant has submitted that no notice was issued to him nor any opportunity was given to him to explain his case. His representation was not attended to. His appeal is also pending. He also submitted that he will be satisfied if direction is given to the 3<sup>rd</sup> respondents to dispose of the appeal within a time frame. Dr.J.L.Sarkar learned Railway standing counsel submitted that he has no objection in adopting such a proposal.

3. Accordingly, We direct the respondent No.3 or any other competent authority to consider the appeal of the applicant and pass a reasoned order on merit within a period of three weeks from the date of receipt of this order after giving opportunity to the applicant to explain his case in person and communicate the same to the applicant to explain his case in person and communicate the same to the



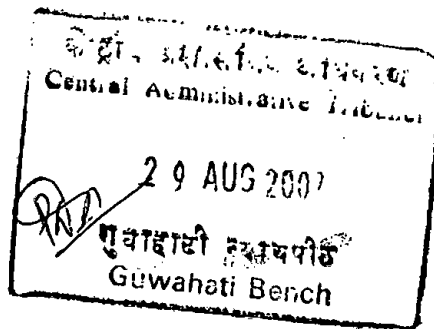
applicant forthwith. In the interest of Justice this Court further directs that impugned order for recovery will be kept in abeyance till disposal of his appeal.

O.A. is disposed of. At the admission stage itself. However, there shall be no order as to costs.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a small vertical tick at the end.

(K.V.SACHIDANANDAN)  
VICE-CHAIRMAN

LM



DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

AT GUWAHATI

(An application under Section 19 of the Administrative Tribunal Act, 1985)

O.A. NO. 232 /2007

Smt Chankala Basfore

..Applicant

-Versus-

The Union of India & Ors.

.....Respondents

SYNOPSIS

The applicant is at present working as a Technician Gr-III in Office of the Senior Section Engineer, N.F. Railway, New Guwahati and residing at Quarter No. 706/N Type-I at New Guwahati Colony, Guwahati with her family since allotment of the quarters. The respondent No.5 vide his order dated 2.9.05 cancelled the order of allotment of the applicant's quarters alleging that a survey committee appointed by the administration found that the applicant had sub letted her quarters to some third party. The applicant submitted representation before the authority on 6.9.05 denying the allegation of sub letting the quarter and she asserted that she herself is residing in the quarter with her family. She also stated that she was not aware of any survey of her

quarters and she prayed for review of the cancellation order. The respondent authority did not pass any order disposing applicant's representation but passed an order on 9.5.07 imposing damage rent to the tune of Rs.1,07,135/- on the applicant without issuing any prior notice to the applicant nor giving any opportunity of hearing to the applicant, the applicant has drawn salary after recovery of the alleged damage rent in the month of July/and August Rs.2213/- per month. If in this way the alleged damage rent is recovered it will not be possible for the applicant to maintain the livelihood of her family. Hence this application before this Hon'ble Tribunal.

Filed by:

*Somit Sainia*

Advocate, Guwahati



DISTRICT: KAMRUP

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
AT GUWAHATI

(An application under Section 19 of the Administrative  
Tribunal Act, 1985)

O.A. NO. 232 /2007

Smt Chankala Basfore

...Applicant

-Versus-

The Union of India & Ors.

.....Respondents

I N D E X

<u>SL.NO.</u>	<u>ANNEXURE PARTICULARS</u>	<u>PAGE NOS.</u>
1.	Application	1 to 10
2.	Verification	11
3.	I Order dtd. 2.9.05 cancellation allotment of quarter.	12
4.	II Representation dt.14.9.05 submitted by the application.	13
5.	III Office order dtd. 6.9.05	14
6.	IV Memorandum dtd. 9.5.07	15
7.	V Copy of representation dt. 14.5.07	17
8.	VI Copy of pay slip	19
9.	VII Copy of order dt.19.7.07 passed in OA No. 180/07.	20
10.	VIII Copy of Rly's order dtd.14.8.07 in R/o Qtr No.117-H	23

Filed by:

Sonit Sarma,  
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
AT GUWAHATI

O. A. NO. 232 /2007

BETWEEN

Smt Chankala Basfore,  
W/o Late Pannalal Basfore,  
Resident of Quarter No.706/N Type-I  
at New Guwahati Colony.

..APPLICANT

-AND-

1. The Union of India,  
represented by the Secretary  
Railway Board, Ministry of  
Railway, New Delhi-110001.
2. The General Manager,  
N.F. Railway Maligaon,  
Guwahati-11, Dist. Kamrup, Assam.
3. The Chief Area Manager (CAM),  
N.F. Railway, Maligaon,  
Guwahati-11, Dist. Kamrup, Assam.
4. The Divisional Personal Officer  
(DPO) N.F. Railway Maligaon,  
Guwahati-11, Dist. Kamrup, Assam.
5. The Senior Coaching Depot Officer  
N.F. Railway Maligaon,  
Guwahati-11, Dist. Kamrup, Assam.

..RESPONDENTS

Contd..P/-

Placed by the  
petitioner

Placed by Chankala Basfore  
through Solicitor,  
Advocate/O

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This instant application is made challenging the following orders:

i) Order issued vide Memo No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05 by the Senior Coaching Depot Officer, N.F. Railway, Guwahati (Respondent No.5) cancelling the allotment order of Qrs. No.706/N Type -I at N.G.C. in the name of the applicant.

ii) The office Memo No. E/APO/1/Survey of Qrs/GHY dtd. 9.5.07 issued by the Divisional Personal Officer, N.F. Railway, Guwahati (respondent No.4) imposing damage rent of Rs.1,07,135/- on the applicant.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the instant application for which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicant further declares that the application within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

Contd..P/-

*R.T. of Chandra Barfor*

11

RTI of Chandra Banerjee  
112

4. FACTS OF THE CASE:

4.i That the applicant is a citizen of India and as such she is entitled to the rights privileges guaranteed under the Constitution of India.

4.ii That the applicant is at present is working as a senior technician/GR-III under SSE/C&W/NGC and she is residing in Railway Quarter No. 706/N Type-I at NGC since its allotment and handing over of possession to the applicant.

4.iii That while the applicant was rendering her services to the respondent authority she was suddenly put under suspension w.e.f. 25.8.05 on allegation for subletting her residential quarters and subsequently the respondent No.5 his memo No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05 has cancelled the allotment order of the applicant's quarter No. 706/N Type-I NGC without any issuing any prior show cause notice.

A copy of the above letter is annexed herewith as Annexure - I.

4.iv That in the aforesaid cancellation order it has been alleged that during survey by the survey committee it has been found that the applicant instead of residing herself in the quarters she has subletted the

Contd..P/-

quarters to a private party violating the provision of Rule 3.1 (III) and 15.A of Railway Service (Conduct) Rules 1966 and the applicant was also advised to vacate the quarters and to hand over the same to the new allottee immediately whose allotment order was to be followed

4.v That the applicant submitted a representation on 6.9.05 before the ADME NGC N.F. Railway denying the allegation brought against her stating clearly that she has not subletted the qurs. to any other person, but she herself along with her daughter all along residing therein and she prayed for revocation of the suspension order imposed on her.

A copy of the above representation is annexed herewith as Annexure - II.

4.vi That ultimately the A.D.M.E., N.F. Rly vide his order dtd. 6.9.05 revoke the suspension order of the applicant but the cancellation order issued by the respondent authority was not withdrawn.

A copy of the above order is annexed herewith as Annexure - III.

4.vii That the applicant was residing in her qrs. without any interruption and she was rendering her service to the department upto the satisfaction of the authority.

Contd..P/-

RTI of Chombhalabandora

4.viii That the applicant was under bonafide presumption that the respondent authority on being satisfaction with the representation submitted by the applicant the respondent authority might have dropped the allegation brought against the applicant. Moreover, no any new allottee also came to take over the charge of the applicant qtrs.

4.ix That <sup>to</sup> the utter surprise of the applicant the respondent No.4 has issued his memo No. E/APO/I/Survey of Qrs/GHY dtd. 9.5.07 imposing damage rent to the tune of Rs.1,07,135/- to be recovered from the regular salary bill of applicant on the ground of same allegations of subletting the qtrs. allotted to the applicant which was already denied by her.

A copy of the above memo along with the statement of damage rent is annexed herewith as Annexure - IV.

4.x That the applicant immediately submitted a representation before the respondent NO-3 against the above mentioned order of recovery on 14.5.07 stating inter alia that an enquiry was already started against her and no final order was passed therein and as such the imposition of damage rent was not legal and she was prayed for not to recover the damage rent from her salary.

Rt. of Chandra Babbar

11

A copy of representation is annexed herewith  
as Annexure-V.

4.xi That the respondent authority without disposing the representation submitted by the applicant has already started the recovery of damage rent from the salary bill of the applicant since June,07 and after recovery of the damage rent the applicant got only an amount of Rs.2213/- as her pay in the month July/August,07 for which it has become quite difficult from the part of the applicant to manage the family expenditure.

A copy of the pay slip is annexed herewith as  
Annexure - VI.

4.xii That the respondent authority brought similar allegations against some similarly situated employees of the Railway Department. But on their application before this Hon'ble Tribunal, this Hon'ble Tribunal was pleased to direct the respondent authority to dispose the representation submitted by the applicant filed according to law. And the Hon'ble Tribunal was also pleased to stay the recovery of the damage rent till such disposal.

A copy of the such order is annexed herewith  
as Annexure - VII.

Contd..P/-

RTI of Chandra Banerjee

16

4.xiii That the applicant has come to know that in pursuance of the direction as stated above by this Hon'ble Tribunal, the respondent authority has already revoked the cancellation order of allotment of quarters in respect of the concerned employees after giving personal hearing to them.

A copy of such order is annexed herewith as Annexure - VIII.

4.xiv That the applicant respectfully submits that he being a similarly situated employee is also entitled to similar protection against the impugned order passed by the respondent authority.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

5.i For that the office order No. GHY/CDO/GEN/Qrs/C&W dated 2.9.05 issued by the respondent No.5 and the order issued vide memo No. E/APO/1/Survey of Qrs/GHY dated 9.5.07 issued by the respondent No.4 are violative of the Rules of natural justice and as such both the impugned orders are bad and liable to be quashed.

5.ii For that the respondent authority committed wrong in passing the impugned order without issuing any prior notice to the applicant and without allowing him any opportunity of hearing so as to enable him to ex-

Contd..P/-



RTI of Chambala  
Bansfore

12

plain his case and as such the impugned order is bad and liable to be quashed.

5.iii For that the applicant was not at all aware about any alleged survey of his quarter by the committee and as such the impugned order of cancellation of applicant's quarter and order of recovery of damage rent passed on the basis of alleged ex-parte survey by the survey committee are bad and liable to be quashed.

5.iv for that the impugned orders are violative of Article 14, 21 and 309 of the Constitution of India and as such those are liable to be quashed.

5.v For that the respondent authority has committed wrong in passing the impugned orders without making any enquiry to the allegation in presence of the applicant and as such the impugned orders are bad and liable to be quashed.

5.vi For that the applicant had not violated the provision of Rule 3.1 (II) and 15.A of the Railway Service (Conduct) Rules, 1966 as alleged in the impugned order dated 2.9.05 and as such the impugned order are bad and liable to be quashed.

5.vii For that the applicant will suffer irreparable loss and injury if the impugned orders are not quashed.

RTI of Chandralekha  
or  
18

5.viii For that in any other view of the matter the impugned orders are bad and liable to be quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that she has exhausted all the remedies available to her and the representation submitted to the respondent authority was not disposed off.

7. MATTERS NOT PENDING WITH ANY OTHER COURT:

The applicant declares that she has not challenged the impugned orders before any other court/Tribunal.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant prays for the following relief:

- i) To set aside and quash the Office Order GHY/CDD/GMN/CID/C&W dated 2.9.05 passed by the respondent No.5 (Annexure-I.).
- ii) To set aside and quash the office order issued vide memo No. E/APO/1/Survey of Qrs dtd. 9.5.07 issued by the respondent No. 4 (Annexure - III).

Contd..P/-

iii) Not to ~~recover~~ any damage rent from the appli-  
cant and to refund already recovered <sup>amount</sup> from the applicant.

9. INTERIM RELIEF PRAYED FOR:

The applicant prays that pending disposal of this application the impugned order issued vide memo No. E/APO/I/Survey of Qrs/GHY dated 9.5.07 issued by the respondent No.4 imposing recovery of damage rent may kindly be stayed.

10. PARTICULARS OF THE POSTAL ORDER:

Indian Postal Order No. 324 041102

Date : 28-8-07

Issuing Officer : Guwahati GPO

Payable at : Guwahati, GPO

11. LIST OF ENCLOSURES:

An Index showing the particulars of documents is enclosed herewith.


RTI of chomkela Desford  
19

[ 11 ]

VERIFICATION

I, Smti Chankala Basfore, Wife of Late Pannalal Basfore, resident of quarter No.706/N Type-I at New Guwahati Railway Colony do hereby solemnly affirm and verify that the statements made in accompanying application in paragraphs 1-4, 6 and 7 are true to my knowledge and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 27<sup>th</sup> day of August, 2007 at Guwahati.

  
RTI of Chankala Basfore.



(12)

Amx - I

76

N.E. RAILWAY

Office of the  
Sr. Coaching Depot Office  
Guwahati, Dt. 02.09/2005

No. GHY/CDO/GEN/Qrs/C&W

To  
Smt. Chankala Basfore  
Tech/Gr-III  
Under SSE C&W/NGC  
Through ADME/NGC

Sub-Cancellation of allotment order of Qrs. No. 706/N Type-I at NGC

Ref- Survey Committee's report endorsed by APO/GHY Vide his letter  
No. E.P/APO/GHY Survey of Qrs dated 19.08.05

Railway quarters No. 706/N Type-I at NGC, was allotted in favour of you for your residential purpose during survey by the survey committee it has been found that instead of residing yourself in the quarters you have subletted the quarters to a private party. Thus you have committed a serious misconduct violative of provision of Rule.3.1 (iii) and 15.A of Railway Service (Conduct) Rule 1966.

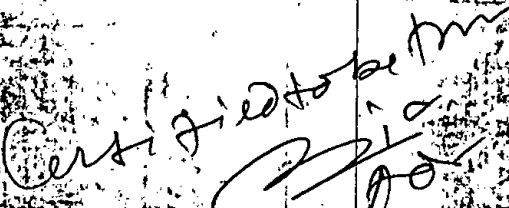
Hence your allotment of the Quarters No. 706/N Type-I at NGC is being cancelled with immediate effect.

You are advised to vacate the quarters and handed over the quarters to the new allottee immediately. The allotment order of this quarters is to be followed.

Copy to :-

1. CAM/GHY for kind information.
2. DGM/C&W for information please.
3. APO/GHY - for information and necessary action please.
4. ADME/NGC - for information and necessary action please.
5. SSE/Works NGC - For information and necessary action.
6. SSE/Elec NGC - for information and necessary action.
7. SSE/C&W/NGC - for information and necessary action.

  
Sr. CDO/GHY

  
Sr. CDO/GHY

Sr. CDO/GHY

To  
The A.D.M.E.  
N.G.C., N.F.R.

Ref. No.: AME/NGC/DA/7-PL-11/1 dt. - 29-08-2005

Dear Sir,

With due respect I would like to inform you that, I have been living my own quarter since issued by Rly. department, which is Qrs. bearing No. 706/N.

I have received your above reference letter and read it thoroughly and I clarify you that when your official have come to my Quarter that time some neighbors have come to my house it that situation your official misunderstanding that my quarter is sublet. Sir I assure you that I myself living this quarter with my daughter since issued by you.

So, therefore I request you to kindly withdraw your suspension order and permit me to join the service.

Thanking you.

Date: 05-09-2005

Yours faithfully



Smt. Chankala Basfore.  
CF/III/N.G.C., N.F.R

R.T. 1 of  
Chankala Basfore  
CF/III

Certified to be true  
Adv.

R  
6/9/05  
[Signature]

## Standard Form of order for revocation of suspension order

(Rules 5 (5) (c) of RS (D&amp;A) Rules 1968)

No. AME/NGC/DA/7-Pt-II/1

N. F.

(Name of the Administration)

(Place of issue) ADME/NGC Dated 06/09/05

## ORDER

Whereas an order placing Shri/Smt. Chankala Basfore CF-III (name and designation of Railway Servant) under suspension was made/was deemed to have been made by ADME/NGC on 25/08/05

Now, therefore, the President/the Railway Board/the undersigned (the authority which made or is deemed to have made the order of suspension, or any other authority to which that authority is subordinate) in exercise of the power conferred by clause (c) of sub-rule (5) of rule 5 of the RS (D&A) Rules 1968 hereby revokes the said order of suspension with immediate effect/with effect from 06/09/05

(By order and in the name of the President)

(Signature)

(Name)

B. Bhadury  
ADME/NGC

Designation of the authority making this order

Asstt. Divl. Mechanical Engineer

ग. सी. देववे. न. ग. वाहाटो.

N. F. Railway, New Guwahati.

(Secretary, Railway Board, where the order is made by the Railway Board)

Designation of the officer authorised under article 77(2) of the Constitution to authenticate orders on behalf of the President (where the order is made by the President).

Copy to—

Shri/Smt. Chankala Basfore CF-III

ADME/LMG

(name and designation of the suspended Railway Servant)

Where the order is expressed to be made in the name of the President

P. Riv. Press—1/89/9003/139—May '90—10,000 Form

SSE/CSW/NGC

*Certified to be true*  
*[Signature]*

14  
Ann - III  
23

(15)  
N.F. Railway

Ann - 12  
24  
Office of the  
Divl: Personnel Officer  
Station Road, Guwahati

MEMORANDUM

During the survey of quarters by the survey committee constituted by the administration the quarter shown in the attached statement were found subletted and accordingly the allotment order of the quarters were cancelled by the allotting authority.

Since the quarters have been found subletted and allotment cancelled the same treated as unauthorized occupation.

Due to unauthorized occupation of the quarters damage rent at the prescribed rate fixed by Railway Board, have been calculated and to be recovered from regular salary bill from May/07 current rate of damage rent along with arrear from the date of survey of the quarter.

This issues with the approval of CAM/GHY.

(G.K.KAKATI)  
DPO/GHY

No-E/APO/1/Survey of Qrs./GHY

Dated: 9/5/2007

Copy forwarded for information and necessary action to:-

1. CAM/GHY,
2. Sr.CDO/GHY,
3. DRM (P)/LMG,
4. DFM/LMG,
5. Staff concerned,
6. Ch.OS (P)/Bill/GHY,
7. Concerned bill Clerk/E,

Certified to be true  
in  
Advocate

in Chaukaba Basfor

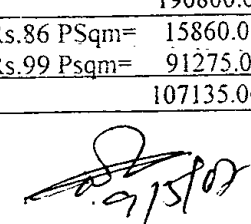
9/5/07  
DPO/GHY



(10)

Statement of damage rent

Sl. No.	Name of staff	Design	B.U.No	Quarter No	Location	Dt. Of Survey	Damage rent	
							Plinth area	Rate
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
01.	Sri Chankala Basfore,	CF/Gr.III	456	706 N/Type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00
02.	Sri Sudhi Ram Hira,	Sr.Tech/CF	456	125L/Type-II	NGC	05-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 145700.00 171015.00
03.	Sri Pradip Kr.Das,	CF/Gr.I	456	117L/Type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 145700.00 171015.00
04.	Sri Hamid Ali	-do-	456	117I/Type-II	NGC	03-08-05	58.87Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 145700.00 171015.00
05.	Sri Prakash Bose,	-do-	456	603A/Type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00
06.	Sri Abhoy Kr.Das	ALP/NGC	456	611J/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00
07.	Sri Harpati Deka,	CF	456	708D/type-I	NGC	05-08-05	36.882 Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00
08.	Sri Hiten Barua	S/Clerk	456	117H/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 145700.00 171015.00
09.	Sri Khargeswar Bora,	CF/I	456	117G/type-II	NGC	03-08-05	58.87 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 25315.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 145700.00 171015.00
10.	Sri D.N. Das,	CF/II	456	704B/type-I	NGC	04-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00
11.	Sri Ramesh Hira,	OS/II	456	244C/type-III	NGC		65.68 Sqm	01-08-05 to 30-11-05 @ Rs.86 PSqm= 28242.00 01-12-05 to 30-04-06 @ Rs.99 PSqm= 162558.00 190800.00
12.	Sri Jogeswar Doloi,	CF/I	456	702C/type-I	NGC	05-08-05	36.882Sqm	1-08-05 to 30-11-05 @ Rs.86 PSqm= 15860.00 1-12-05 to 30-04-07 @ Rs.99 PSqm= 91275.00 107135.00



**Deb Choudhury**  
General Secretary, NFREU  
Asstt. General Secretary  
NFIR, New Delhi  
Member, JCM

(17)

**N.E. RAILWAY  
EMPLOYEES UNION**

Registered & recognised by  
the Railway Administration,  
Affiliated to NFIR & INTUC  
Rly (O) 23600 (R) 23601 (PREM) 23605  
Dot (R) 571605, 571633 (PREM) 571156

CENTRAL OFFICE : SHRAMIK SADAN, PATNA, GUJARAT 381012

14-05-07<sup>96</sup>

To The Chief Area Manager  
GHY/NFRly

(Kind attention of DPO/GHY)

Through proper channel

Sub :- Recovery of Damage Rent against  
the charge of Sub-letting

Ref :- DPO/GHY's Memorandum No:-

E/APO/1/survey of Qrs/GHY dtd 09-05-07

With utmost respect I Smt

Chankala Basfore working under ADME/NGC.

I beg to state that I was served with an  
office Memorandum as referred above. pertaining  
to Recovery of Damage rent from her under  
prescribed Statement of Damage rent n.e.  
annexed with the Memorandum.

That Sir, I was already charge  
sheeted vide ADME/NGC/GA/1 dtd 24-11-06  
and suspended. Against that major Memorandum  
I already placed my say, verifying explicitly  
that I have never sub letted the Rly Quarters  
allotted against me. Consequently a 2nd Enquiry  
was conducted against the same. Memorandum  
of charges.

Certified to be true  
[Signature]  
Adv.

(2)

(18)

Sir, till date my WAR enquiry was not completed and the Disciplinary Authority did not serve any speaking order against the enquiry. That Sir, ~~but~~ as on date, it seems the charge of subletting has not been established. In such a situation, the above referred Memorandum <sup>fell on</sup> ~~hit~~ me like a bolt from the blue.

Sir, I am a humble Technician, Grade III and as is evident, I am a meagrely paid employee entirely grateful to the Railway Administration for providing me this job after the sad and untimely demise of my husband.

Hence Sir, in the <sup>event</sup> of recovery of such a huge amount to the tune of Rs 107135.00 with a monthly ~~instalment~~ instalment of Rs 3651.00 from me, where my basic pay happens to be Rs 3500.00 only, I along with my family would be crushed financially. I see no way of providing bread and butter to my family.

Therefore I beg you to consider my case sympathetically by permitting to re-enquire into the subject matter so that the truth can be revealed.

Anticipating your early and sympathetic consideration.

Thanking you  
Yours sincerely

-Tech. Gr. III, under  
ADME ~~CHH~~ / CHH / NGC

-5-

(CHANKALA BASTOPPE)

10

Ann-21

IT Centre/LMG \*Pay in Slip\* Jul-2007/Aug-2007 GU:30013 BU:44456 Duty: 31 LWP: 0 Sln:NGC SN:145  
Alben:08510 . PAY ALLOWANCES --->RS RLY RECOVERIES --->RS B\_I NRB RECOVERIES --->RS B\_I

Name: CHAN KALA BASFORE	Basic Pay *	1806	PF-Subsc. *	442	P Tax-Assam *	95
F/R Name: LT PANNALAL BASFORE	Basic Pay *	1730	VPF *	200	LIC/MLG *	292
Empno: 04207488	D.P. *	903	CGIS-C *	30		
Desgn: TCH/3	D.P. *	845	Water Charge *	5		
Accumulated LAP:138, LHAP:22	M.A. *	948	DP-B/Pay *	117		
	D.A. *	908	DP-DA *	60		
		41	DP-DI *	25		
	SCA *	39	Dmg Rent *	3651		
	Transport/E *	75	Durga. FA *	150		

Scale:03050-04590 R/Pay:3575 Gross Pay:37315 Deductn. Rs.9102 NETPAY-RS.2213.00  
Next Increment: 01-Aug-2008 Pay: 31 01-08-2008 Cash Payment

Certified to be true  
Pia  
Adv.

8961

(20) Ar - VII

29

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.180 of 2007.

Date of Order : This the 19<sup>th</sup> Day of July, 2007.

THE HON'BLE SHRI K.V.SACHIDANANDAN, VICE CHAIRMAN

Shri Harapaty Deka  
S/o Late Hangsha Ram Deka  
Resident of Qr. No. 708/D-Type-1  
At New Guwahati Colony,  
Guwahati, Kamrup, Assam.

...Applicant

✓ By Advocate Shri A.C.Sarma

- Versus -

1. Union of India,  
Represented by the Secretary,  
Railway Board, Ministry of Railways,  
New Delhi-110 001.
  2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati-11.
  3. CAM/GHY (Chief Area Manager)  
N.F.Railway, Guwahati.
  4. DPO/GHY (Divisional Personnel Officer)  
N.F.Railway, Guwahati.
  5. Senior Coaching Depot Officer/GHY  
N.F.Railway, Guwahati.
- ..... Respondents

By Advocate Dr J.L.Sarkar, Railway Standing Counsel.

ORDER (ORAL)

SACHIDANANDAN, K.V. (VC)

The applicant is working under the N.F.Railway and according to him he is a resident of Quarter No. 708/D-Type-1 at New Guwahati Colony. According to the averment following the prescribed

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(21)

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30 following the prescribed rules respondent No.5 had cancelled the allotment order of the quarter but still nevertheless he continued in occupation of the same. On 9.5.07 respondent No.4 issued order imposing damage rent on the applicant. The applicant has filed an appeal before respondent No.3 on 28.6.07 which has not yet been disposed of. Aggrieved by the cancellation of allotment order and imposing damage rent the applicant has filed this O.A seeking the following reliefs.

- i) To set aside and quash the office Order No.GHY/CDO/GEN/Qrs./C&D dtd. 2.9.05 passed by respondent No.5 - Annexure-1.
- ii) To set aside and quash the office order issued vide memo No.E/APO/1/Survey of quarters/Guwahati dated 9.5.07 issued by the respondent No.4- Annexure-2.



2. Heard Mr A.C.Sarma, learned counsel for the applicant and Dr J.L.Sarkar, learned Railway standing counsel for the respondents. The applicant submitted that the impugned order has been passed by the respondents in total violation of natural justice. No notice was issued to him nor any opportunity was given to him to explain his case. His representation was not attended to. His appeal is also pending. He further submitted that he will be satisfied if a direction is given to the 3<sup>rd</sup> respondent to dispose of the appeal within a time frame. Dr J.L.Sarkar, learned Railway standing counsel submitted that he has no objection in adopting such a proposal.

3. Accordingly, we direct the respondent No.3 or any other competent authority to consider the appeal of the applicant and pass a reasoned order on merit within a period of 3 weeks from the date of

✓

receipt copy of this order after giving opportunity to the applicant to explain his case in person and communicate the same to the applicant forthwith. In the interest of justice this Court further directs that impugned order for recovery will be kept in abeyance till disposal of his appeal.

O.A is disposed of at the admission stage itself. However, there shall be no order as to costs.

Sd/ VICE CHAIRMAN



TRUE COPY

प्रतिप्रति

अनुभाग प्रमुख

Section Officer

Central Adm. Tribunal

गुवाहाटी

GUW

गुवाहाटी

23/7/07



(2B)

Ann - VIII  
32

N.F. RAILWAY.

No. GHY/CDO/GEN/Qrs/C&W

Office of the  
Sr. Coaching Depot Officer,  
Guwahati, Dt. 14/08/2007

To,  
✓ Sri Hiten Baruah  
Sr. Clerk  
Under SSE/C&W/IC/NGC.


Sub- Revocation of Cancellation order of allotment against Qrs.No.117-II  
Type-II at Bamunimaidam, New Guwahati.

Ref- This office order No. GHY/CDO/GEN/Qrs/C&W Dated 02.09.05

The Cancellation order of Railway quarters No.117-II, Type-II at Bamunimaidam, NGC Which was communicated to vide this office letter No. GHY/CDO/GEN/Qrs/C&W dated 02/09/05 is being revoked. The original allotment order of the QRS in favour of you will be retained.

Copy to: -

1. CAM/GHY for kind information..
  2. DGM/G/MLG
  3. DPO/GHY for information and necessary action please.
  4. ADME/NGC.
  5. SSE/Works/NGC
  6. SSE/Elec/NGC
  7. SSE/Coaching /IC/GHY
- } for information and necessary action.

  
Sr. CDO/GHY

*Certified to be true*  
*(Signature)*  
for

Sr. CDO/GHY